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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,202	03/04/2002	Arthur Lallet	CM00641P	9270

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Jonathan P Meyer  
Motorola Inc  
Intellectual Property Section Law Department  
1303 East Algonquin Road  
Schaumburg, IL 60196

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/070,202	<b>Applicant(s)</b> LALLET ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 15-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments with respect to claims 1-14, and 51-52 as filed on 9/28/05 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14, and 51-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Riek et al., (hereinafter referred to as "Riek").

Riek discloses an apparatus for controlling the amount of data used to transmit still images during or after the transmission of a video sequence from a first to a second location (Riek: column 4, lines 15-25; column 11, lines 5-10 and 45-50), the apparatus comprising: encoding means arranged for intraframe encoding still images (Riek: column 4, lines 35-40 and 53-56) for transmission and intraframe encoding part or all of selected video sequence frames (Riek: column 7, lines 40-50); calculating means for determining the data size (Riek: column 8, lines 6, lines 55-67) of intraframe encoded video sequence frames (Riek: column 6, lines 30-50), and control means for controlling intraframe encoding of still images for transmission in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 7, lines 40-50), as in claim 1.

Regarding claim 2, Riek discloses that the encoding means is arranged to intraframe encode part or all of each video sequence frame and the control means is arranged to control intraframe encoding of a still image in dependence on the determined size of the most recently intraframe encoded video sequence frame (Riek: column 4, lines 65-67; column 5, lines 1-20).

Regarding claim 3, Riek discloses the control means is arranged to select a quantization factor for use in encoding of a still image in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 4, lines 50-60; column 7, lines 40-50), as in the claim.

Regarding claim 4, Riek discloses that the control means is arranged to select, in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 4, lines 55-61), a first quantization factor for use in encoding a first part of a still

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image and a second quantization factor for use in encoding a second part of a still image (Riek: column 5, lines 5-10), as in the claim.

Regarding claim 5, Riek discloses that the encoding means is arranged to carry out an encoding process in which an image is considered to comprise a plurality of blocks, each of which is intraframe encoded (Riek: column 5, lines 38-54), as in the claim.

Regarding claim 6, Riek discloses that the control means is arranged to control intraframe encoding of still images with the aim of keeping the data size of the encoded image within predetermined limits (Riek: column 7, lines 50-60).

Regarding claim 7, Riek discloses that the encoding and transmission of the still images is compatible with the scheme used for encoding and transmitting of the video sequence (Riek: column 4, lines 25-35), as in the claim.

Riek discloses method for controlling the amount of data used to transmit still images during or after the transmission of a video sequence from a first to a second location (Riek: figures 3-6; column 11, lines 5-10 and 45-50), the method comprising the steps of: intraframe encoding (Riek: column 4, lines 35-40 and 53-56) part or all of selected video sequence frames (Riek: column 5, lines 25-55); determining the data size (Riek: column 6, lines 55-67) of intraframe encoded video sequence frames (Riek: column 6, lines 30-50), and when sending a still image, controlling intraframe encoding of said image in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 7, lines 40-50), as in claim 8.

Regarding claim 9, Riek discloses intraframe encoding part or all of each video sequence frame and controlling intraframe encoding of a still image in dependence on the determined size

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of the most recently intraframe encoded video sequence frame (Riek: column 4, lines 65-67; column 5, lines 1-20), as in the claim.

Regarding claim 10, Riek discloses selecting a quantization factor for use in encoding a still image in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 4, lines 50-60; column 7, lines 40-50), as in the claim.

Regarding claim 11, Riek discloses the step of selecting, in dependence on the determined intraframe encoded size of a previous video sequence frame (Riek: column 4, lines 55-61), a first quantization factor for use in encoding a first part of a still image and a second quantization factor for use in encoding a second part of a still image (Riek: column 5, lines 5-10, as in the claim.

Regarding claim 12, Riek discloses that the encoding process is one in which an image is considered to comprise a plurality of blocks each of which is intraframe encoded (Riek: column 5, lines 38-54), as in the claim

Regarding claim 13, Riek discloses that the intraframe encoding of still images is conducted with the aim of keeping the data size of the encoded image within predetermined limits (Riek: column 7, lines 50-60).

Regarding claim 14, Riek discloses that the encoding and transmission of the still images is compatible with the scheme used for encoding and transmitting of the video sequence (Riek: column 4, lines 25-35).

Regarding claim 51, Riek discloses encoding means arranged for intraframe encoding still images for transmission (Riek: column 4, lines 15-25; column 11, lines 5-10 and 45-50), the encoding process being one in which a still image is considered to comprise a plurality of blocks

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each of which is intraframe encoded (Riek: column 5, lines 25-38); calculating means for determining the data size of intraframe encoded blocks (Riek: column 7, lines 55-67); and control means for controlling encoding of selected blocks in dependence on the determined data size of one or more previously encoded block (Riek: column 7, lines 40-50), as in the claim.

Regarding claim 52, Riek discloses encoding means arranged for intraframe encoding still images for transmission (Riek: column 4, lines 15-25; column 11, lines 5-10 and 45-50), the encoding process being one in which a still image is considered to comprise a plurality of blocks each of which is intraframe encoded (Riek: column 4, lines 35-40); calculating means for determining the data size of part of an intraframe encoded image comprising at least one intraframe encoded block (Riek: column 7, lines 40-50); judging means for determining whether the determined data size of said part of an intraframe encoded image falls within a preselected range (Riek: column 7, lines 50-67); and control means for causing re-encoding of said part of an intraframe coded frame (Riek: column 5, lines 53-57), prior to transmission, in such a way as to change the data size of said part of an intraframe coded image when the determined data size falls outside the preselected range (Riek: column 10, lines 40-67), as in the claim.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schoner discloses a video decoder dynamic memory allocation system and method with an efficient freeze mode.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad S. Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

asr  
December 19, 2005

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER

